



# CITY OF EDMONDS

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HEARING EXAMINER

MIKE COOPER  
MAYOR

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SEP 26 2011  
PLANNING DEPT.

## BEFORE THE HEARING EXAMINER FOR THE CITY OF EDMONDS

Phil Olbrechts, Hearing Examiner

RE: Swedish Medical Center

Sign Code Variance (ECDC  
20.60)

PLN-2011-0046

### FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION

#### INTRODUCTION

The applicant is requesting street setback variances for five freestanding signs at the Swedish/Edmonds campus. The applicable setback is fifteen feet and the applicant proposes the signs to be 0.5 to 9.5 feet from the street property line. The variance requests are approved.

#### ORAL TESTIMONY

##### Staff Testimony:

Mike Clugston, Edmonds planner, testified that the Swedish Medical Center is asking for variances for 5 free-standing signs at their site of 21601 76th Avenue West in Edmonds. Mr. Clugston noted that Swedish Medical Center took over for Stevens Hospital a little over a year ago and they have been working on updating their signs to reflect the change. He further commented that many sign changes have already been approved administratively (referencing attachment 3 of the staff report, exhibit 1) and that these changes met setback requirements; however, the five signs in question could not be approved administratively because they do not meet setback conditions. Structures/signs generally need to meet setback requirements, and, in this case, there is a required 15 ft setback requirement (MU-medical use zone requirements) or, if this is not an option, structures can be less than 3 feet tall, he stated. Mr. Clugston testified that Swedish Medical Center has five signs that are greater than 3 feet tall (5.5-7 feet tall) and are located in the 15-ft street setback area.

1 Mr. Clugston commented that six criteria are required for a variance (referencing  
2 EXHIBIT 1) and staff recommends approval for each of the five signs in question  
3 because all six requirements are met. In regards to the special circumstances criteria,  
4 he noted that Swedish Hospital is a unique service in Edmonds and people need to be  
5 made aware of the entrances to the hospital site which the signs will provide. In  
6 regards to the Special Privilege criteria, he stated that Swedish Hospital is unique in  
7 its nature and is a special-use area so no special privilege would be given. In regards  
8 to the Comprehensive Plan criteria, he testified that the five signs are part of an  
9 overall package that encourages safe travel through the site and utilizes a unified sign  
10 theme. In regards to the Zoning Ordinance criteria, he noted that approval of the  
11 variance request will meet ordinance of ECDC 16.62 (Medical Use-MU) and ECDC  
12 20.60 (sign code). In regards to the not-detrimental criteria, he stated that the signs  
13 are not detrimental to public health, safety, or welfare; however, he mentioned that  
14 during review by staff, the fire district questioned the location of two signs along 76th  
15 Avenue West (signs B6 and B9), wondering whether sight distance could properly be  
16 maintained at entrances adjacent to those signs. The applicant provided a sight  
17 distance report, and it concluded that sight distance would not be impacted for  
18 travelers on 76th West, thus the signs would not be detrimental to safety, he stated.  
19 Finally, in regards to the Minimal Variance criteria, he commented that in this case,  
20 the applicant is proposing to replace five former signs with slightly taller signs using  
21 a smaller footprint, which meets minimum variance requirement.

22 In conclusion, Mr. Clugston testified that staff recommends approval of the Swedish  
23 Hospital variance request.

24 On questioning by the hearing examiner regarding the special circumstances criteria  
25 in regards to the Swedish Hospital property, Mr. Clugston stated that the site is  
planned so the signs are on elevated portions of the property. If placed further back,  
the lower elevation would obscure sign visibility (referenced attachment 11), he  
noted.

#### 26 Applicant Testimony:

27 Stefan Rehnfeldt, construction manager Swedish Medical Center, expanded upon Mr.  
28 Clugston's testimony regarding the special circumstances criteria. Mr. Rehnfeldt  
29 noted that the larger signs have proven to be easier to see and, if setback further,  
30 visibility would be diminished. He stated that often elderly people have trouble  
31 seeing the hospital signs and the short-run setback helps with visibility for these  
32 visitors. He further remarked that the hospital is only a block long and is on a busy  
33 street with many signs, lights, crosswalks, and trees that are distracting and cause  
34 visitors to miss the hospital.

35 Upon questioning by the hearing examiner, he testified that the trees and bushes along  
the street could potentially block the signs if they were setback more. There is also

1 residential fencing in the area that makes it impossible to just remove the trees and set  
2 the signs farther back, he stated.

Public Testimony:

3 Alvin Rutledge stated he has attended at least three meetings in regards to the hospital  
4 commission. He recalled that several years ago, when Stevens Hospital came into  
5 plan, sign issues may have been dealt with in the master plan and that plan should be  
6 referenced in making this decision. Additionally, he noted that Swedish Hospital has  
7 a 30-year lease which is not referenced in the report. He stated the lease may not  
8 allow Swedish to remove something from the building without going through the  
9 board. Mr. Rutledge stated that they don't own the property and some kind of report  
must be given granting approval. Additionally, he noted there is supposed to be 20  
million dollars in thirty years given to the community by the hospital and he wonders  
where this funding is coming from: from the general Swedish Hospital account or  
community funding account?

Staff Rebuttal:

11 Mr. Clugston stated that he was not aware of any prior sign variance requests from  
12 when the property was occupied by Stevens Hospital. He stated he looked through  
the record and found nothing.

**EXHIBITS**

14 See the exhibit list on page 5 of the August 31, 2011 Staff Report. Attachments 1-12  
15 were entered as Exhibits 1-12 at the hearing in addition to the staff report.

**FINDINGS OF FACT**

**Procedural:**

- 18 1. Applicant. The applicant is Swedish Medical Center.
- 19 2. Hearing. The Hearing Examiner conducted a hearing on the application  
20 on September 8, 2011 at 3:00 p.m. at the Edmonds Public Safety Complex in the  
Council Chambers.

**Substantive:**

- 23 3. Site/Proposal Description. Swedish assumed day-to-day operations of the  
24 former Stevens Memorial Hospital in September 2010. Since that time Swedish has  
25 been working to update the site's signage to reflect the name change. Government  
signs, for which these qualify, must meet the dimensional and placement standards of  
the underlying zone unless a variance is granted. There are five signs that require  
variance approval because they are higher than the maximum allowed 3 feet, and the  
result will change the street setback from the required 15 feet to a range of 0.5 feet to

9.5 feet. The Hospital is located at 21701 76<sup>th</sup> Avenue West, Edmonds and is on an approximately ten-acre site.

The frontage along SW 76<sup>th</sup> street is heavily wooded and the property slopes downward from the frontage. Trees and fencing are also located on the frontage of adjoining properties. The proposed signs will be posted to mark the entrances to the hospital, which are a relatively short distance from adjoining intersections. See Ex. 3. If the signs have to be placed outside the setback the lower elevation and numerous trees and adjoining fencing will make it difficult to see the signs, especially for vehicles that have just turned on to 76<sup>th</sup> from adjoining intersections. The requested variance is necessary to overcome these site constraints so that the public can readily determine where to turn in times of emergency and routine hospital use.

4. Characteristics of the Area. The neighborhood around Swedish is developed with a mix of commercial, institutional, multifamily, and single-family development. To the west across 76<sup>th</sup> Avenue is the Edmonds-Woodway High School complex and various medical/hospital related businesses. The medical use extends to the south as well as to the east toward Highway 99. Immediately adjacent to the north is a small island of single family residential houses surrounded by multifamily development more typical of the proximity to Highway 99.

5. Adverse Impacts. The variance request is for the replacement of signage in locations nearly identical to previous sign placements. The applicant has also done site triangles to satisfy staff that there are no safety problems with the proposed location. See staff report, p. 4 and Ex. 11. No adverse impacts are anticipated.

## CONCLUSIONS OF LAW

### Procedural:

1. Authority of Hearing Examiner. ECDC 20.85.020 provides the Hearing Examiner with the authority to review and act upon variance applications as Type III-A decisions in accordance with ECDC 20.06

### Substantive:

2. Comprehensive Plan and Zoning Designations. The Comprehensive Plan designates the site as "Medical". The entire site is part of the Medical/Highway 99 Activity Center Overlay. The bulk of the site is also part of North Highway 99 Overlay. The area is zoned Medical Use (MU)

3. SEPA Compliance and Notice. The proposed use is exempt from SEPA requirements pursuant to WAC 197-11-800(6)(b). As noted on page 2 of the Staff Report, notice of variance was given by newspaper, postings at Swedish as well as at the Edmonds Public Library, and by mail to nearby property owners within 300 feet of the site. No comments were received.

4. Review Criteria and Application. The applicant seeks a variance from the 15 foot street setback imposed by ECDC 16.62.020 for the MU district. The five proposed signs will be located 0.5 feet to 9.5 feet from the street property line. ECDC 20.85.010 governs the criteria for variances to ECDC Title 16. The variance criteria set by ECDC 20.85.010 are quoted below and applied through corresponding conclusions of law.

**ECDC 20.85.010:** *No variance may be approved unless all of the findings in this section can be made.*

**ECDC 20.85.010(A) – Special Circumstances:** *That, because of special circumstances relating to the property, the strict enforcement of the zoning ordinance would deprive the owner of use rights and privileges permitted to other properties in the vicinity with the same zoning.*

*1. Special circumstances include the size, shape, topography, location or surroundings of the property, public necessity as of public structures and uses as set forth in ECDC 17.00.030 and environmental factors such as vegetation, streams, ponds and wildlife habitats.*

*2. Special circumstances should not be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with the zoning ordinance, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the same property;*

5. For the reasons stated in Finding of Fact No. 3, the special circumstances of the property that necessitate the variance are the extensive number of trees and fencing, the elevations and the proximity of the hospital entrances to adjoining intersections. All of these factors make visibility difficult and justify the zoning request. Further, there is a public necessity for easily identified entrances to hospitals for quick emergency access.

**ECDC 20.85.010(B) – Special Privilege:** *That the approval of the variance would not be a grant of special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning;*

6. Due to the unique nature and needs of a special use district like Swedish Hospital, this variance would not grant special privilege to the property. Any other similarly situated provider of emergency services would likely similarly qualify for a variance.

**ECDC 20.85.101(C) – Comprehensive Plan:** *That the approval of the variance will be consistent with the comprehensive plan;*

1 7. The Comprehensive Plan generally encourages signage that is consistent  
2 with the needs of the associated use and which is compatible with the surrounding  
3 area. The five signs that are the subject of this variance are part of an overall package  
4 of signs for the site, which uses a similar design theme throughout the property. At  
5 the same time, the Comprehensive Plan also encourages safe travel and this is also  
6 achieved given the placement of the proposed signs along 76<sup>th</sup> Avenue West. The  
7 variance is therefore consistent with the Comprehensive Plan and meets this criteria.

8 **ECDC 20.85.010(D) – Zoning Ordinance:** *That the approval of the variance will be*  
9 *consistent with the purposes of the zoning ordinance and the zone district in which*  
10 *the property is located;*

11 8. Approval of the variance request will result in placement of signs  
12 consistent with the zoning requirement in ECDC 16.62 (Medical Use Zone) and  
13 ECDC 20.60 (Sign Code). One of the purposes of the MU zone, as outlined in ECDC  
14 16.62.000, is to provide for the efficient provision of a wide spectrum of medical  
15 services. Adequate signage, as enabled through the granting of this variance, serves  
16 this purpose. This variance requirement has been satisfied.

17 **ECDC 20.85.010(E) – Not Detrimental:** *That the variance as approved or*  
18 *conditionally approved will not be significantly detrimental to the public health,*  
19 *safety and welfare or injurious to the property or improvements in the vicinity and*  
20 *same zone;*

21 9. This proposal would be detrimental to the public health, safety, and  
22 welfare, nor injurious to the property or improvements in the vicinity. It in fact  
23 promotes public health, safety and welfare by making emergency medical services  
24 more accessible to the public. Further, as determined in the findings of fact, there are  
25 no adverse impacts associated with the proposal, including traffic safety issues.

**ECDC 20.85.010(F) – Minimum Variance:** *That the approved variance is the*  
*minimum necessary to allow the owner the rights enjoyed by other properties in the*  
*vicinity with the same zoning.*


10. The variances are the minimum necessary to provide adequate and  
effective signage for the property. The criterion is satisfied.

## DECISION

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All variance criteria are met and the variance request is approved.

Dated this 22<sup>nd</sup> day of September, 2011.

  
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Phil A. Olbrechts  
Edmonds Hearing Examiner

**Appeal Right and Valuation Notices**

This decision is final and only subject to appeal to superior court as governed by Chapter 36.70C RCW. Appeal deadlines are short (21 days from issuance of the decision) and the courts strictly apply the procedural requirements for filing an appeal.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.